July 25, 2005 Seven o=clock P.M. North Little Rock School District Board Room 2700 Poplar North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, July 25, 2005, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: MARTIN GIPSON, NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (7/0). Alderman GARY BERRY was absent. City Clerk Diane Whitbey and Assistant City Attorney Andrea Woods were also present.

The invocation was given by Mayor Hays, followed by the pledge of allegiance to the flag which was also led by Mayor Hays.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes from a regular council meeting held on Monday, July 11, 2005, were accepted and filed as prepared by the City Clerk (7/0).

On the motion of Alderman Hight and seconded by Alderman Gipson, and by consent of all members present, communication #1, was read by title only, accepted and filed (7/0).

1. Sharon Tedford, Mayor's Office memorandum re: replacement beer off premise permit for Price Rite Food, Inc. fdba Freddie Deli and Grocery, 1513 E. Washington by Sahar A. Kattom.

On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, communication #2 was read in its entirety, accepted and filed (7/0).

2. Mayor Hays letter to City Council re: increased train traffic (Union Pacific) route parallel to Percy Machin (fka Railroad Avenue) and continuing Northerly towards Conway, disruption caused by noise from horn and/or bell.
Alderman Gipson said posts would have to be installed and asked if this would begin at Lansford. Alderman Parker advised there are 10 crossings within the city. Mayor Hays said a crossing in Levy is the least used and may be the hardest to deal with.

Mayor Hays invited Mr. Billy Grace, Director of North Little Rock Animal Control and Ms. Joy Stevens, President North Little Rock Friends of Animals (NLRFOA) and Miss Brooke Carpenter to join him at the podium. Mr. Grace said during the past 3 years, Brooke raised money to donate to the Animal Shelter by asking for donations instead of presents on her Birthday. This year she presented the shelter with a check for \$463.00. Ms. Stevens presented Brooke with a plaque expressing NLRFOA's appreciation of her generous contributions to the Animal Shelter. Mayor Hays thanked Brooke for her unselfish generosity and presented her with a day proclamation from the city.

Mayor Hays advised the bridge on JFK is in the final stages of construction and should be open for regular usage within two weeks. Mayor Hays advised the railroad overpass Broadway in the vicinity of Alltel Arena has been removed. The dip in Broadway will be raised level with the rest of Broadway in the area and should be done in approximately six weeks.

Mayor Hays asked Mr. Dan Scott, Director of Neighborhood Services to talk about National Night Out which will be August 2, 2005. Many neighborhoods in the city will have celebrations that evening. Mayor Hays invited everyone to get involved.

UNFINISHED BUSINESS

O-05-48

AN ORDINANCE ALLOWING A SPECIAL USE FOR USED AUTO SALES IN AN I-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 8417 HIGHWAY 70 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held at the request of the sponsor, Alderman Thomas.

NEW BUSINESS

R-05-92 (RESOLUTION NO. 6793 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITIES OF NORTH LITTLE ROCK, LITTLE ROCK AND CONWAY, AND PULASKI AND FAULKNER COUNTIES TO COMBINE RESOURCES AND FY 03 PART I STATE HOMELAND SECURITY GRANT PROGRAM FUNDING TO COORDINATE AND PARTICIPATE IN FULL SCALE WDM/TERRORISM EXERCISES, TO TEST EQUIPMENT PURCHASED UNDER THE GRANT PROGRAM, AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Gipson, and by consent of all members present, the resolution was adopted (7/0).

R-05-93 (RESOLUTION NO. 6794 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN ENGINEERING AGREEMENT WITH MARLAR ENGINEERING CO., INC. TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION PHASES OF WOOD STREET - FROM WEST 52ND TO CAMP ROBINSON ROAD - STREET AND DRAINAGE IMPROVEMENTS, 31ST YEAR (2005) CDBG PROGRAM, IN THE AMOUNT OF \$34,648.74; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted (7/0).

R-05-94 (RESOLUTION NO. 6795 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN ENGINEERING AGREEMENT WITH MARLAR ENGINEERING CO., INC. TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION PHASES OF MARION STREET - FROM WEST 43RD TO WEST 47TH STREETS - STREET AND DRAINAGE IMPROVEMENTS, 31ST YEAR (2005) CDBG PROGRAM, IN THE AMOUNT OF \$38,168.47; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Gipson, and by consent of all members present, the resolution was adopted (7/0).

R-05-95 (RESOLUTION NO. 6796 - MAYOR HAYS)

A RESOLUTION APPOINTING SAM BAGGETT TO THE UNEXPIRED TERM OF TOMMY HENDRICKS ON THE NORTH LITTLE ROCK PLANNING COMMISSION; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. On the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the resolution was amended as follows: *attach Personal Information Sheet* (7/0). On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted as amended (7/0). Mayor Hays recognized Mr. Baggett who was present and thanked him for service to the city on the Planning Commission and his work with Neighbors United for Levy.

R-05-96

A RESOLUTION ACCEPTING A SETTLEMENT OFFER IN THE CASE OF NORTH LITTLE ROCK VS. THE SOUTHERN, INC., was read. Mayor Hays advised the City Council had passed an Ordinance regarding Sexually Oriented Businesses (SOB). This particular business is located close to a church and on a road traveled by parents and students attending Central Arkansas Christian School (CAC). The business is located in an area where SOB's are not allowed. Mr. Jason Carter, Chief Deputy City Attorney advised Mayor Hays the city should consider a settlement offer. Mrs. Andrea Woods, Assistant City Attorney said the agreement would terminate the business at this location at the end of their lease. Alderman Gipson asked about the Ultra Shock which had a total of 222 calls during a specific time. Mrs. Woods said the business was closed under Nuisance Abatement. Alderman Thomas asked about the time previously given to relocate the business. Mrs. Woods said it was 2 years, which has expired. Dr. Carter Lambert, CAC presented petitions which were circulated by a parent in the area of the school (received by City Clerk 7:31 p.m. this date). CAC appreciates the City of North Little Rock and its commitment to families. They do not want this business located near their school but will support the council's decision regarding it. Concerns include the length of time (2 years) to relocate the business; the business has become more aggressive with advertising and signage; and, will they request additional time. Mr. James Ard has worked at KOA Campgrounds and advised he has seen problems. Mayor Hays said supporting the recommendation of the legal department may be the quickest way to resolve the issue. Mr. Larry Clay owns the KOA Campgrounds. Some of the problems he has experienced with the property during the past 22 years include multiple shootings. Recently, he passed the business with his son at 3:30 p.m. and observed a nude woman behind the bar. Mr. Clay asked if the property would still be a bar. Mr. Robert Voyles, Planning Director advised the property is zoned C-3 which would allow a bar. Mrs. Woods said there were only two businesses in the city which are currently non-compliant. Litigation costs were discussed, a lot depends on depositions and scheduling. The current ordinance mirrors one from the City of Little Rock which has been litigated and upheld. Alderman Gipson asked Police Chief Danny Bradley to provide a call report on the address of the Body Shop and the surrounding area for a period of time from January 1, 2003 through April 25, 2005, as a communication at the next council meeting. Alderman Hight asked about rezoning the property. The legislation was then held at the request of the sponsor, Mayor Hays.

Mayor Hays advised Mrs. Woods is leaving the city to become House Counsel for Nabholz Construction Company in Conway where she lives. Mrs. Woods is the first female City Attorney in the city and her tenure with the city and friendship are appreciated.

R-05-97 (<u>RESOLUTION NO. 6797 - ALDERMAN BRYANT AND ALDERWOMAN ROBINSON</u>) A RESOLUTION APPROVING NORTH LITTLE ROCK SUBDIVISION CASE SPR-O-1847-05; ACKNOWLEDGING APPLICATION OF THE FEDERAL TELECOMMUNICATIONS ACT; AND FOR OTHER PURPOSES, was read. Mayor Hays said the property in question is outside the municipal boundary, but within the planning area of North Little Rock. If the request is denied the city could be subject to litigation. Mr. Voyles advised the property is not zoned. The city tried to encourage a voluntary annexation previously. Several neighbors are opposed to the cell tower. The Planning Commission was opposed to a 250' selfsupporting tower close to a neighborhood. Mr. Voyles said the city could zone the area. Alderman Gipson said Pulaski County could address the issue. Mayor Hays said people in the area did not want to be annexed when approached before. Mr. Lester Kirkemeyer, said the main concern isn't about zoning but safety as the 250' tower will attract lightening strikes. Mr. John Herring lives at #16 Bauer behind the tower location. Over 200 homes in the area would be affected. He distributed photos of unmaintained communication towers. Verizon has not approached residents of the area regarding the tower. Property values in the area has decreased because of the tower. Mr. Herring asked the council to postpone its decision and said Verizon should look at other locations. Alderman Gipson asked the legislation be held. A motion to adopt was made by Alderman Parker and died for lack of a second. Mrs. Woods advised and recommended the council take this issue into consideration as soon as possible. Mr. Voyles said if the property were located in the city, it would have to be zoned for light commercial use to allow a cell tower. Alderman Parker said Federal Law requires allowing cell towers under certain circumstances. Alderman Witcher asked if a land use plan in the area would be helpful and suggested talking to people in the Runyan Acres area regarding zoning considerations.

R-05-98 (<u>RESOLUTION NO. 6797 - ALDERMAN BRYANT AND ALDERWOMAN ROBINSON</u>)

A RESOLUTION APPROVING INSTALLATION OF SPEED HUMPS ON LAKEVIEW DRIVE AND MID-BLOCK BETWEEN PARKER AND FRANKLIN; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Bryant and seconded by Alderwoman Robinson. Council members asked for clarification of where the speed hump would be located mid-block between Parker and Franklin (specific address). The money needs to be appropriated from the Street Fund. On the motion of Alderman Gipson and seconded by Alderman Thomas, the resolution was amended as follows:: Section 2: *add* AND APPROPRIATE \$6,000.00 (six thousand dollars) FROM THE STREET DEPARTMENT

FUND (7/0). On the motion of Alderman Thomas and seconded by Alderman Bryant, and by consent of all members present, the resolution was adopted as amended (7/0).

R-05-99 (<u>RESOLUTION NO. 6798 - ALDERMAN PARKER</u>)

<u>A RESOLUTION CHANGING LUSK LANE TO INNERPLAN DRIVE; AND FOR OTHER PURPOSES</u>, was read. Alderman Gipson asked if there were any other businesses located on the street. On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (7/0).

O-05-49 (ORDINANCE NO. 7728 - MAYOR HAYS AND ALDERMAN HIGHT)

AN ORDINANCE TO AMEND ORDINANCE NO. 7612, WHICH REZONED PROPERTY AT MCCAIN AND WEST 47TH IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO A PLANNED USE DEVELOPMENT (PUD), TO INCLUDE ADDITIONAL SITE MAP AND ELEVATIONS FOR AN APARTMENT COMPLEX; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman

Hight and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. Mr. Voyles said four units were added. One-third of the units are smaller than those previously proposed. There would be some subsidized housing and it is planned to be a senior housing complex. The council previously approved a PUD at this location with 76 units. Mr. Bill Bosley, Contractor spoke regarding the project. Alderman Witcher asked if there was a sidewalk plan for the project. Mr. Bosley advised Southwestern Bell asked them not to disturb their cable in the area as it is the largest underground cable in the city. The topography in the area is difficult because of the terrain with a 10' rise in the area. similar to a bluff. Mayor Hays wants sidewalks included in the project. This is a high foot traffic area. On the motion of Alderman Hight and seconded by Alderman Gipson, and by consent of all members present, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-05-50

AN ORDINANCE AMENDING ARTICLE V, (PLUMBING AND GAS) OF THE NORTH LITTLE ROCK MUNICIPAL CODE BY ADDING SECTION 18-373; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held at the request of the sponsor, Mayor Hays.

O-05-51

AN ORDINANCE VACATING AND ABANDONING A PORTION OF SUMMERS AVENUE IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held at the request of the sponsor, Mayor Hays.

O-05-52 (ORDINANCE NO. 7729 - ALDERMEN BRYANT AND HIGHT)

AN ORDINANCE GRANTING A CONDITIONAL USE FOR A DAY CARE CENTER IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2401 N. POPLAR STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Alderman Hight was added as a sponsor at the request of Alderman Bryant. On the motion of Alderman Bryant and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-05-53 (ORDINANCE NO. 7730 - ALDERMAN BERRY)

AN ORDINANCE WAIVING FULL SCREENING AND LANDSCAPING REQUIREMENTS FOR CERTAIN PROPERTY LOCATED AT 11608 MAUMELLE BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Parker, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. Mr. Voyles advised an 8' brick wall would be built for screening. On the motion of Alderman Gipson and seconded by Alderman Hight, and the roll having been called and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-05-54

AN ORDINANCE ALLOWING A SPECIAL USE FOR STORAGE OF HARDWOOD LUMBER IN AN R-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF CLOVER STREET AND GRIBBLE ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Alderman Thomas advised this issue went before the Planning Commission as a rezone. A Special Use is now being requested. The property has been vacant for 50 years and most people in the area would like to see something on the property. Alderman Thomas made a motion to suspend the rules and place the ordinance on its second reading which was seconded by Alderman Parker, and the following members voted yes: Thomas and Parker and the following members voted no: Gipson, Bryant, Robinson, Hight and Witcher, the motion failed (2/5). Alderman Witcher asked if hardwood lumber would be stored indoors or outdoors. Mr. Voyles advised several neighbors want the property developed as residential which is the current zoning of the property. Alderman Thomas owns a house across the street from the property. Alderwoman Robinson said people have lived in the area since 1951 and are concerned about a negative impact in the community. Mr. Joe Reynolds asked if Gribble Road and Gribble Street were the same and if so, he is not interested in a metal storage building in the area. Mrs. Linda Moses Cameron was raised on Gribble and has children and grandchildren living in the area. Gribble has Industrial property on each end. They want to see this area remain residential.

PUBLIC COMMENTS-----

Alderwoman Robinson said people in Ward 2 want to be sure the Sales and Use Tax would only last for 2 years. Mayor Hays said the tax would end September 30, 2007 (24 months). The tax would not be collected on gasoline. Alderman Hight commended the Street Department for repaving a 2-mile portion of the River Trail. Mr. Matthew Richard is a resident of Argenta said the city has needs for road repairs, police and fire raises and other city services. Ballparks are businesses that make money. The Travelers will save millions if the city builds the park for them. People who don't go to ball games shouldn't have to pay for it, the fans should pay more for a ticket to be able to go to a nicer ballpark. Five million dollars was spent to build the Senior Citizens Center. Money should go into other centers. Mr. Richard said the ballpark can be built without taxpayer funds and asked voters to vote against the tax on August 9, 2005. Ms. Sue Brummett assists on a task force in the Pulaski County Clerk's Office. The new clerk has 85% accuracy in the voter rolls. Ms. Brummett said it is up to voters to keep their information accurate, including address or name changes and relocation to other counties. Changes can be made by telephone or in person. The Precinct 15 polling site has changed to Greater Bibleway Church on 22nd Street instead of the Heritage House. Mr. Ard advised Caleb Andrew Sims is 6 years old and has cancer. His family needs financial assistance and directed people to a website, the Lonoke State Bank and his personal pager 373-8711. Mr. Ard met the family at a fund raiser for Caleb in Burns Park. No amount is too small. Mr. Ard presented Mayor Hays a button supporting the Sales Tax. He does not support raising taxes, but said sometimes people need to vote for things which will benefit the city. Mr. Mark Abernathy is a resident of North Little Rock and commended Mayor Hays for the job he has done to transform the city. Mr. Abernathy is the Government Relations Chairman for the Consolidated Arkansas Restaurant Industries (CARI). CARI represents approximately 200 restaurants in the central Arkansas area. Many North Little Rock restaurant owners enjoy baseball and

the Travelers. However, they are opposed to doubling the city sales tax as a funding method. North Little Rock restaurants currently pay the highest sales tax of any restaurants in the United States. When you factor in the Hamburger Tax, the City Sales Tax, the County Sales Tax, the third highest State Sales Tax and the highest mixed drink tax in the Nation, the tax burden is heavy. Restaurant tax would increase to 12% and the mixed drink tax would increase to 33%. Voters need to know there are other ways to fund the ballpark without passing this sales tax. The Senior Citizens Center can be expanded without building the ballpark. A major league ball team would be an asset to the community but would only help downtown restaurants and would compete with restaurants for entertainment dollars. Temporary taxes often become permanent and asked if the council would agree to terminate the tax in 2 years and not apply it to the County Jail. CARI wants to know why local restaurants are signaled out to pay the restaurant tax. Their customers pay for all costs of doing business. Thousands of for-profit privately owned businesses do not pay sales tax. Taxes are the single most damaging factor effecting restaurants in Arkansas today. If the tax passes, CARI would request the city to reduce the restaurant tax by 1% during the term of the tax.

There being no further business to come before the Council, and on the motion of Alderman Gipson and seconded by Alderman Bryant, and no one else wishing to be heard, the meeting adjourned at 9:03 p.m., until the next regular meeting to be held on Monday, August 8, 2005, at seven o=clock p.m. in the North Little Rock School Administration Building Board Room, located at 2700 Poplar, in the Administration Office Board Room, North Little Rock, Arkansas (7/0).

APPROVED: MAYOR PATRICK HENRY HAYS

ATTEST: DIANE WHITBEY, CITY CLERK